IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 261 OF 2004

SHRI AUDHUT KURTORKAR,PERNEM-GOA. ... Petitioner
Versus
STATE OF GOA THROU\'THE CHIEF SECRETARY & 2 ORS., ... Respondents

Mr. J. A. Lobo, Amicus Curiae.
Mr. S. S.Kantak, AG With Ms. R. Chodankar, AGA for Respondent no.1.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 2nd April, 2007

ORAL ORDER

Action was taken suo moto by this Court to eliminate the menace of cattle squatting on the roads particularly at night and causing serious accidents.

2. Over a period of time, it appears that the Municipal Councils set up a permanent cattle pound in their respective municipal areas. An affidavit to that effect dated 13.10.2006, has been filed by one Daulat Hawaldar, the Director of Municipal Administration. The status report is annexed at annexure D-3 to that affidavit, which shows that 14 Municipal Councils and the Corporation of the City of Panaji, have erected permanent cattle pounds.

3. The next step that is necessary to ensure is that stray cattle are within the pound and not on the road. We, accordingly, direct the Municipal Councils to appoint a pound-keeper in terms of Section 268 of the Goa Municipalities Act, 1968, (Act, for short), if not appointed, within a period of one month from today. The Councils shall ensure due

compliance of duties by the pound-keeper entrusted to him under Section 269 of the said Act.

4. The Councils shall set up a system of incentives to bring stray cattle to the pound. The penal provisions of Section 269 of the Act shall be strictly enforced. The Director of Municipal Administration shall entertain complaints in respect of the stray cattle and shall take action against the erring Municipal Council in accordance with law.

5. All the Village Panchayats shall also appoint pound-keepers in respect of cattle pounds set up by them and in terms of Section 112-A of Goa Panchayat Raj Act, 1994, if not appointed, within a period of one month from today.

6. The Village Panchayat shall also strictly enforce Section 112-A of the Goa Panchayat Raj Act, 1994, and take penal action against the offenders and the Director of Panchayat shall take action against erring Panchayats in accordance with law.

7. The Secretary(Animal Husbandry), is directed to monitor the proper implementation of the scheme framed by the Government viz. "Control of Stray Cattle Scheme". The Secretary shall inform to the Director of Municipal Administration and/or Director of Panchayat in the event of non-co-operation by any Municipality or Panchayat and upon such report, the Director of Municipal Administration and/or Director of Panchayat, as the case may be, shall take such action as permissible in law against the erring Municipal Council and Village Panchayat.

8. The State Government shall re-constitute the State Advisory Board under the Provisions of Prevention of Cruelty to Animals Act, 1960, within a period of one month from today.

9. We direct the police to deploy some Constables who shall be provided with two wheelers for the purpose of ensuring that the roads are clear of cattle, particularly at night on the highways.

10. In view of the above, the matter is disposed of.

S.A.BOBDE, J.

N. A. BRITTO, J.

arp/*